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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Zelek, King, Vora, Soderborg, Brockers

Serial No: 10/043696

Group Art Unit: 2876

Filed: 1/11/2002

Examiner: Not Yet Known

Title: METHOD AND SYSTEM FOR PRODUCT OPTIMIZATION

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CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

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Date: 10-16-02

Signature

Angela Singleton

Assistant Commissioner for Patents
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Sir:

The following sections are being submitted for this Information Disclosure Statement:

Sections:

1. Preliminary Statements
2. Statement as to Information Not Found in Patents or Publications
3. Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted
4. Cumulative Patents or Publications
5. Copies of Listed Information Items Accompanying This Statement

6. Concise Explanation of Non-English Language Listed Information Items
 - A. EPO Search Report
 - B. English Language Version of EPO Search Report
 - C. Explanation
7. Identification of Time of Filing This Information Disclosure Statement
8. Identification of Information Disclosure Statement For Which This Statement is Being Made
9. Certification
10. Fee Payment
11. Identification of Person(s) Making This Information Disclosure Statement
12. Translation(s) of Non-English Language Documents

Attachment:

FORMS PTO/SB/08A and/or 08B

Section 1. Preliminary statements

Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation of this information that a search has been made (37 C.F.R. 1.97(g)), an admission that the information cited is, or has been, considered to be, material to patentability, or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

Section 2. Statement as to Information Not Found in Patents or Publications
(FORMS PTO/SB/08A and/or 08B)

☒ None

☐ Statement:

Section 3. Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted

☐ This application relies, under 35 U.S.C. 120, on the earlier filing date of prior application SN.: _____ filed on _____.

☐ This application also relies, under 35 U.S.C. 120, on the earlier filing date of prior application SN.: _____ filed on _____.

☐ The following references were submitted to, and/or cited by, the Office in the prior application(s) and, therefore, are not required to be provided in this application:

Section 4. Cumulative Patents or Publications

STATEMENT

- ☐ _____ is cumulative of the following patents or publications listed on Forms PTO/SB/08A and/or 08B:
- ☐ In accordance with 37 C.F.R. 1.98(c), a copy of only _____ is being submitted with this Information Disclosure Statement.

Section 5. Copies of Listed Information Items Accompanying This Statement

- ☒ Legible copies of all items listed in Form PTO/SB/08A and/or 08B accompany this information statement.
- ☐ Exception(s) to above:
- A. ☐ Items in prior application, from which an earlier filing date is claimed for this application, as identified in Section 3.
- B. ☐ Cumulative patents or publications identified in Section 4.

Section 6. Concise Explanation of Non-English Language Listed Information Items

The relevance with respect to the following citations is submitted on the basis of the accompanying:

(check the appropriate item)

- A. ☐ EPO search report that is in the English language,
- B. ☐ EPO search report that is not in the English language and that is accompanied also by an English language version of the EPO search report, that issued on the corresponding European patent application.
- C. ☐ Explanation:

Section 7. Identification of Time Of Filing This Information Disclosure Statement

- ☐ The information disclosure statement transmitted herewith is being filed after three months of the filing date of this national application or the date of entry of the national stage as set forth in § 1.491 in an international application or after the mailing date of the first Office action on the merits, whichever event occurred last but before the mailing date of either:
- (1) a final action under § 1.113 or
- (2) a notice of allowance under § 1.311,
- whichever occurs first.

**Section 8. Identification Of Information Disclosure Statement
For Which This Statement Is Being Made**

This statement is being made for the Information Disclosure Statement

☒ accompanying this statement.

☐ filed _____.

Section 9. Certification

I, the person(s) signing below state:

☐ that each item of information contained in the information disclosure statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. 37 C.F.R. 1.97(e)(1) .

OR

☒ that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application and to the knowledge of the person signing the statement after making reasonable inquiry, was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement. 37 C.F.R. 1.97(e)(2) .

Section 10. Fee Payment

Applicant elects the option to pay the fee set forth in 37 C.F.R. 1.17(p) for submission of an information disclosure statement under § 1.97(c).

☒ Charge any cost incurred in the filing of this Amendment, along with any other costs, to Deposit Account 06-1510. If there are insufficient funds in this account, please charge the fees to Deposit Account No. 06-1505. A duplicate copy of this sheet is enclosed.

Section 11. Identification Of Person Making This Statement

The person making this statement is the attorney who signs below on the basis of the information:

(check each applicable item)

☐ supplied by the inventor(s).

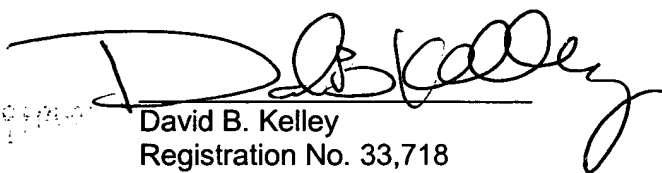
☒ supplied by an individual associated with the filing and prosecution of this application. (37 C.F.R. 1.56(c))

☐ in the practitioner's file.

Section 12. Translation(s) of Non-English Language Documents

- ☐ Submitted herewith is an English translation of the following foreign language patents, publications or information or of those portions of those patents, publications or information considered to be material:
- ☒ No English language translations of the foreign language patents, publications or information or parts thereof are readily available, except for those listed above.
- ☐ The following foreign language documents submitted are believed to be the equivalent or substantial equivalent of the English language documents identified below, which are also submitted herewith.
- ☐ The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. 1.97(b).

Respectfully submitted,



David B. Kelley
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¹Unique citation designation number. ²Applicant is to place a check mark here if English language Translation is attached. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.